

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph C. Kurian et al.

Serial No.: 10/533,872

Filed: May 5, 2005

Title: INTELLIGENT DATA MANAGEMENT SYSTEM AND METHOD

Docket No.: 38248

DECLARATION OF JOHN HARRIS

Mail Stop PCT  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, John Harris, being duly sworn and having knowledge of the facts set forth herein, depose and say that:

1. I am a Canadian patent attorney representing AlphaGlobal IT Inc., a Canadian company.
2. After receiving the decision from the USPTO, dismissing the Rule 1.47 Petition filed in the above-captioned case, I once again attempted to locate and contact the non-signing inventor, Mr. Homayoun Najjaran.
3. Specifically, on August 14, 2006, I sent a letter to Mr. Homayoun Najjaran by regular postal mail at his last-known address of 666 Spadina Avenue, Apt. 409, Toronto Ontario, M5S 2H8, to ask him to execute the declaration in this application. The following items were enclosed with my letter:
  - i. a complete copy of the above-identified patent application including specification, claims, abstract and drawings; and
  - ii. a Declaration and Power of Attorney form for Mr. Najjaran's signature.

The reason I sent this letter by regular postal mail was so that it would be left at the delivery address even if no one was available to sign for it, unlike the letter I had previously sent by registered mail on December 12,

2005 as detailed in my prior declaration, filed in support of the dismissed Rule 1.47 petition.

4. I (or my assistant) also searched for Mr. Homayoun Najjaran on the internet. Attached as Exhibit A is a printout of a webpage from [www.canada411.ca](http://www.canada411.ca), a phonebook-type searchable internet directory for Canada. That website indicated another address for a "Najjaran, Homayoun," specifically: 28 Pemberton Ave., North York, Ontario M2M 4L1.
5. Therefore, on the same date (August 14, 2006), I sent a second letter, with the same enclosures as my first letter, to Mr. Najjaran at the Pemberton Ave. address via regular postal mail, also asking that Mr. Najjaran execute and return the enclosed Declaration and Power of Attorney form. Again, I used regular postal mail to ensure the letter would be left at the delivery address without a signature. The letter to the Pemberton Ave. address was addressed to "Toronto, Ontario M2M 4L1," instead of "North York, Ontario M2M 4L1," as listed in the [www.canada411.ca](http://www.canada411.ca) entry. But this distinction is insignificant; North York is a suburb of Toronto, and the postal code on the envelope was the same as in the internet listing.
6. On or about August 28, 2006, I received back the first above-noted letter, unopened and marked "Address incomplete." However, after carefully reviewing the front of the envelope, the address does appear complete, and most likely the letter was returned because someone at the delivery address told the postal carrier there was no one there named "Homayoun Najjaran." A copy of the returned envelope for the first above-noted letter is attached as Exhibit B.
7. Also on or about August 28, 2006, I received back the second above-noted letter, also unopened, marked "Moved/Unknown." A copy of the returned envelope for the second above-noted letter is attached as Exhibit C.
8. In addition to the foregoing attempts to locate and contact Mr. Homayoun Najjaran, I made at least one prior attempt as detailed in my earlier

declaration, which was filed in support of the original Rule 1.47 petition and is of record in this case.

9. In view of the foregoing facts, diligent effort has been expended to locate and present to Mr. Homayoun Najjaran a copy of the filed application, and to request his signature on the Declaration. Despite this effort, I have been unable to locate Mr. Najjaran to request his cooperation. Based on the return of both the above letters unopened even though they were sent by regular mail and did not require any signature to be delivered, it appears Mr. Najjaran is no longer at either address. He is no longer employed with my client, AlphaGlobal IT Inc., which is the assignee of the subject application.
10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

  
\_\_\_\_\_  
John Harris  
Canadian Patent Attorney

26 Sept. /06.  
Date

Internet Explorer  
http://findperson.canada411.ca/10049/search/FindPerson?firstname\_begin\_with=1&firstname=homayoun+&name=Hajj

Search types

- Find a Person
- Reverse Phone
- Reverse Address
- Area & Postal Codes

Other Partners

- AOL.ca
- Bell Mobility
- canada.com
- Fido
- Globeandmail.com
- NationalPost.com
- Notacape.ca
- Sympatico-MSN.ca
- Telus Mobility
- Toronto Transit Commission

Rent DVDs @ Rogers Video Direct from \$10.95/month

Search: "Hajjarian, homayoun, North York, ON"

1 Total Listing

New search | Modify search

**HAJJARIAN, HOMAYOUN** 1 of 1  
28 Pemberton Ave  
North York, ON M2M 4L1  
(416) 229-9401  
[More information](#)

Automate Repetitive Searching  
Search School Yearbooks in North York ON  
Find Romance in North York at Data.ca

New search | Modify search

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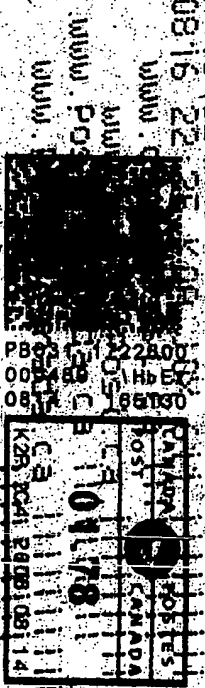
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CONSTRUCTION / INS  
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EXHIBIT A

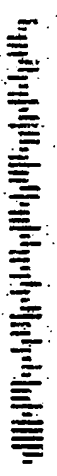
060817 18:32 MAL 310 6134  
060816 22 35 K05 100 B CANADA POSTS



**GOWLING**

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160 Eglin Street  
Ottawa, Ontario  
K1P 1C3  
File # 08895682US

M. Homayoun Najjaran  
666 Spadina Avenue, Apt. 409  
Toronto, Ontario  
M5S 2H8



ADDRESSE INCOMPLETE // ADRESSE INCOMPLETE  
RETURN TO SENDER  
RENOUVEAU A L'EXPEDITEUR  
K1P 1C3

Exhibit B

